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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,804	01/23/2004	Carl Edward Heinlein	60130-2009; 02MRA0265	5004

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BIRMINGHAM, MI 48009

EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/763,804

**Applicant(s)**

HEINLEIN, CARL EDWARD

**Examiner**

Devon C Kramer

**Art Unit**

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 and 9 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 8 and 10 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 11 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/3/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

- 1) Claims 4, 8 and 10 are objected to because of the following informalities:

Claim 4 line 3 reads "the at least one tappet assembly" which should be --the at least one tappet--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

- 2) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3) Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 claims "so as to permit the force transmission device to pivot transverse to the first axis about the first end, in the absence of a further restraint at the second end." If you remove a supporting part at the second end from either of the references, there is going to be transverse movement at the second end. For example, in the absence of bearing 16 in Halasy-Wimmer, the second end of the force transmission device would pivot. It is unclear what limitations applicant is intending to convey by this statement. Please note that the claim has been read as, the second end being able to pivot when a supporting part is removed. It is believed that the references used in the previous office would operate in this way.

***Claim Rejections - 35 USC § 102***

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) Claims 1-3 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Halasy-Wimmer et al (5829557).

In re claims 1 and 11-12, Halasy-Wimmer et al provides a force transmission device for a disc brake comprising: a first end (14) engageable with a thrust member, and a second end (24) engageable with a friction element (4), wherein the force transmission device is operable along a first axis to move the friction element into engagement with a rotary brake disc in response to a loading from the thrust member, and wherein the force transmission device is restrained proximate the first end from movement transverse to the first axis and the force transmission device is unguided proximate the second end. Please note that there is nothing but the bellows attached to the second end and therefor it is unguided. Further, absent the bearing (16) on the second end, the force transmission device would be unguided and able to pivot transverse to the first axis. Please note that in Halasy-Wimmer that the second end is restrained from transverse movement when the force transmission device is engaged to the friction device. A portion of the force transmission device near the first end can be considered unguided.

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IN re claims 2, see element 25.

In re claim 3, element 1 houses elements which prevent the second end of the assembly from moving traverse to the first axis.

6) Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Angerfors (6269914)

In re claims 1 and 11, Angerfors provides a force transmission device for a disc brake comprising: a first end (near 21, figure 1) engageable with a thrust member (21), and a second end (9) engageable with a friction element (11), wherein the force transmission device is operable along a first axis to move the friction element into engagement with a rotary brake disc in response to a loading from the thrust member, and wherein the force transmission device is restrained proximate the first end from movement transverse to the first axis and the force transmission device is unguided proximate the second end. Please note that there is nothing but the bellows attached to the second end and therefor it is unguided and elements 19, 20 and 1 guide portions of the second end. Further, absent the shaft (30) on the second end, the force transmission device would be unguided and able to pivot transverse to the first axis.

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7) Claims 1-3 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Angerfors (6073732).

In re claims 1 and 11, Angerfors provides a force transmission device for a disc brake comprising: a first end (near 8, figure 1) engageable with a thrust member, and a second end (23) engageable with a friction element (11), wherein the force transmission device is operable along a first axis to move the friction element into engagement with a rotary brake disc in response to a loading from the thrust member, and wherein the force transmission device is restrained proximate the first end from movement transverse to the first axis and the force transmission device is unguided proximate the second end. Further, absent the couplings (37, 38) on the second end, the force transmission device would be unguided and able to pivot transverse to the first axis.

In re claim 2, Angerfors provides a formation (37) on the second end.

In re claim 3, see element 9.

### ***Allowable Subject Matter***

8) Claims 4, 8 and 10 would be allowing if claim 4 was rewritten to correct the claim objections presented in paragraph 1 above.

9) Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

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10) Applicant's arguments filed 1/3/05 have been fully considered but they are not persuasive. Applicant's amendment to claim 1, stating that "the second end is able to pivot transverse to the first axis about the first end, in the absence of a further restraint at the second end" is confusing. The examiner understands this as meaning that the second end is able to pivot transverse to the first axis when a supporting part is removed. Please note, that by reading the claim in this way, the references meet the claim limitations of claim 1. Claim 11 requires that a portion of the force transmission element is unguided intermediate the first end and the second end. Halsey-Wimmer clearly shows an unguided portion toward the second end of the element (near the bellows). Please note that this is intermediate the first end and the second end. In Angerfors, reference numeral 9 was used to point to the area where the force transmission element connected to the friction element in figure 1. Note that the shaft 33 in Angerfors ends and between the portion where it ends and the friction material, the force transmission element is unguided. In Angerfors '732 applicant states that coupling members 37, 38 are guides. Please note that claim 11 only requires that the force transmission element to be unguided intermediate the first and second end. Between the end of 25 and where the bellows attaches to the force transmission element is unguided.

### ***Conclusion***

**11) THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Devon C Kramer



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Examiner  
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DK

EXAMINER  
PATENT EXAMINER

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